

EXHIBIT A

Nyla Libhart

From: Notice_NCED@nced.uscourts.gov
Sent: Thursday, May 12, 2011 10:39 AM
To: Notice_NCED@nced.uscourts.gov
Subject: Activity in Case 5:11-cv-00180-H Foster et al v. Abercrombie et al Order

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U.S. District Court**EASTERN DISTRICT OF NORTH CAROLINA****Notice of Electronic Filing**

The following transaction was entered on 05/11/2011 at 08:48:44 AM EDT and filed on 05/10/2011

Case Name: Foster et al v. Abercrombie et al
Case Number: [5:11-cv-00180-H](#)
Filer:
Document Number:

Docket Text:

ORAL ORDER: In their first amended complaint, plaintiffs have asserted claims for relief under Sections 14(e) and 20(a) of the Securities Exchange Act of 1934, as well as under Delaware law. Even assuming that plaintiffs federal claims are subject to dismissal pursuant to Rule 12(b)(6), the court finds that it has supplemental jurisdiction over plaintiffs state law claims pursuant to 28 USC §1337. Defendants motion to dismiss this action for lack of subject matter jurisdiction is, therefore, denied. The court, therefore, turns to plaintiffs motion for a preliminary injunction. In determining whether a preliminary injunction should issue, the court must weigh four factors: (1) the likelihood of irreparable harm to the plaintiffs if their request for relief is denied; (2) the likelihood of harm to the defendants if the requested relief is granted; (3) the likelihood that the plaintiffs will succeed on the merits of their claims; and (4) the public interest. The court finds that plaintiffs have not met their burden of demonstrating a likelihood of success on the merits of their claims, and therefore denies plaintiffs motion for a preliminary injunction. Signed by Senior Judge Malcolm J. Howard on 5/10/11. (Lee, L.) Modified on 5/12/2011 to include all language in the court's order as pronounced from the bench. (Lee, L.).

5:11-cv-00180-H Notice has been electronically mailed to:

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